EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 3

DOCKET NO.: 2007-1535-PST-E **TCEQ ID:** RN102485976 **CASE NO.:** 34717

RESPONDENT NAME: Z Q Inc. dba Max Mart

ALL BUSINESS: _X Yes _No OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location. INTERESTED PARTIES: No one other than the ED and the Respondent thas expressed an interest in this matter. COMMENTS RECEIVED: The Texas Register comment period expired on March 10, 2008. No comments were received. CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Cafforcement Division, MC 219, (512) 239-2171 Respondent in Not represented by coursel on this enforcement matter			
FINDINGS DEFAULT ORDER SHUTDOWN ORDER LIMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER AMENDED ORDER EMERGENCY ORDER CASE TYPE: AIR MULTI-MEDIA (check all that apply) INDUSTRIAL AND HAZARDOUS WASTE PUBLIC WATER SUPPLY XPETROLEUM STORAGE TANKS OCCUPATIONAL CERTIFICATION WATER QUALITY SEWAGE SLUDGE UNDERGROUND INJECTION CONTROL MUNICIPAL SOLID WASTE RADIOACTIVE WASTE DRY CLEANER REGISTRATION SITE WHERE VIOLATION(S) OCCURRED: Max Mart, 4712 San Pedro Avenue, San Antonio, Bexar County TYPE OF OPERATION: Convenience store with retail sales of gasoline SMALL BUSINESS: X Yes No OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location. INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter. COMMENTS RECEIVED: The Texas Register comment period expired on March 10, 2008. No comments were received. CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Philip DeFrancesco, Enforcement Division, Enforcement Team 6, MC R-04, (817) 588-5933; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Nadir Ali, President, Z Q Inc., 4712 San Pedro Avenue, San Antonio, Texas 78212-1438	ORDER TYPE:		
AMENDED ORDEREMERGENCY ORDER CASE TYPE: AIR	X 1660 AGREED ORDER	FINDINGS AGREED ORDER	
CASE TYPE: _AIR	FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	
AIR	AMENDED ORDER	EMERGENCY ORDER	
	CASE TYPE:		
	AIR	MULTI-MEDIA (check all that apply)	
MUNICIPAL SOLID WASTE RADIOACTIVE WASTE DRY CLEANER REGISTRATION SITE WHERE VIOLATION(S) OCCURRED: Max Mart, 4712 San Pedro Avenue, San Antonio, Bexar County TYPE OF OPERATION: Convenience store with retail sales of gasoline SMALL BUSINESS:X_ Yes No OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location. INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter. COMMENTS RECEIVED: The Texas Register comment period expired on March 10, 2008. No comments were received. CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Philip DeFrancesco, Enforcement Division, Enforcement Team 6, MC R-04, (817) 588-5933; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Nadir Ali, President, Z Q Inc., 4712 San Pedro Avenue, San Antonio, Texas 78212-1438	PUBLIC WATER SUPPLY	X PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION
SITE WHERE VIOLATION(S) OCCURRED: Max Mart, 4712 San Pedro Avenue, San Antonio, Bexar County TYPE OF OPERATION: Convenience store with retail sales of gasoline SMALL BUSINESS:X_YesNo OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location. INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter. COMMENTS RECEIVED: The Texas Register comment period expired on March 10, 2008. No comments were received. CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Philip DeFrancesco, Enforcement Division, Enforcement Team 6, MC R-04, (817) 588-5933; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Nadir Ali, President, Z Q Inc., 4712 San Pedro Avenue, San Antonio, Texas 78212-1438	WATER QUALITY	SEWAGE SLUDGE	
TYPE OF OPERATION: Convenience store with retail sales of gasoline SMALL BUSINESS:X_YesNo OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location. INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter. COMMENTS RECEIVED: The Texas Register comment period expired on March 10, 2008. No comments were received. CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Philip DeFrancesco, Enforcement Division, Enforcement Team 6, MC R-04, (817) 588-5933; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Nadir Ali, President, Z Q Inc., 4712 San Pedro Avenue, San Antonio, Texas 78212-1438	MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION
	TYPE OF OPERATION: Convenience sto SMALL BUSINESS:X Yes OTHER SIGNIFICANT MATTERS: The facility location. INTERESTED PARTIES: No one other th COMMENTS RECEIVED: The Texas Reg CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinated TCEQ Enforcement Coordinated 5933; Mr. Bryan Sinclair, Enforced Respondent: Mr. Nadir Ali, Presidents	re with retail sales of gasoline No re are no complaints. There is no record of addition an the ED and the Respondent has expressed an integrister comment period expired on March 10, 2008. In or: None re Mr. Philip DeFrancesco, Enforcement Division, Ement Division, MC 219, (512) 239-2171 dent, Z Q Inc., 4712 San Pedro Avenue, San Antonio	al pending enforcement actions regarding this erest in this matter. No comments were received. Enforcement Team 6, MC R-04, (817) 588-

RESPONDENT NAME: Z Q Inc. dba Max Mart

DOCKET NO.: 2007-1535-PST-E

VIOLATION SUMMARY CHART: PENALTY CONSIDERATIONS CORRECTIVE ACTIONS VIOLATION INFORMATION TAKEN/REQUIRED Type of Investigation: Total Assessed: \$4,500 **Corrective Actions Taken:** Complaint X Routine The Executive Director recognizes that the Total Deferred: \$900 Enforcement Follow-up X Expedited Settlement Respondent has implemented the following corrective measures at the Records Review Facility: Financial Inability to Pay Date(s) of Complaints Relating to this a. Successfully installed and implemented Case: None SEP Conditional Offset: \$0 a release detection method on September 2, 2007; Date of Investigation Relating to this Total Paid (Due) to General Revenue: \$100 Case: July 10, 2007 (remaining \$3,500 due in 35 monthly payments b. Submitted an updated TCEQ UST of \$100 each) registration and self-certification Form to Date of NOV/NOE Relating to this Case: the agency and obtained a delivery September 4, 2007 (NOE) Site Compliance History Classification certificate on September 5, 2007; and High X Average Poor Background Facts: This was a routine c. Submitted documentation to show the investigation. **Person Compliance History Classification** required UST documents are being __ High __X Average __ Poor maintained on-site on September 5, 2007. WASTE Major Source: ___Yes _X_No 1) Failed to provide a method of release detection capable of detecting a release Applicable Penalty Policy: September 2002 from any portion of the underground storage tank ("UST") system which contained regulated substances [30 Tex. ADMIN. CODE § 334.50(a)(1)(A) and TEX. WATER CODE § 26.3475(c)(1)]. 2) Failed to have the required UST records maintained, readily accessible, and make them available for the inspection upon request by agency personnel [30 Tex. ADMIN. CODE § 334.10(b)]. 3) Failed to notify the agency of any change or additional information regarding USTs within 30 days from the date of the occurrence of the change or addition, as applicable. Specifically, the registration was not updated to reflect the accurate information for release detection [30 Tex. ADMIN. CODE § 334.7(d)(3)]. 4) Failed to ensure that the UST registration and self-certification form is fully and accurately completed and submitted to the agency in a timely manner. Specifically, the self-certification was incorrectly completed [30 Tex. ADMIN. CODE § 334.8(c)(4)(B)]. 5) Failed to make available to a common carrier a valid current TCEQ delivery certificate before accepting delivery of a

RESPONDENT NAME: Z Q Inc. dba Max Mart **DOCKET NO.:** 2007-1535-PST-E

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regulated substance into the USTs. Specifically, one fuel delivery was accepted without a delivery certificate [30 Tex. Admin. Code § 334.8(c)(5)(A)(i) and Tex. Water Code § 26.3467(a)].		
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Additional ID No(s).: 7097

Policy Revision 2 (Septe	Penalty Calculatio	n Worksheet (P	=	ion May 25, 2007
TCEQ DATES Assigned	10-Sep-2007	avenue.		
PCW	19-Sep-2007 Screening 17-Sep-2007	EPA Due		
RESPONDENT/FACILITY	NFORMATION			30073
Respondent A Reg. Ent. Ref. No.	Z Q Inc. dba Max Mart RN102485976			
Facility/Site Region	3-San Antonio	Major/Minor Source	Minor	
CASE INFORMATION				
Enf./Case ID No.	34717	No. of Violations		
Docket No.	2007-1535-PST-E Petroleum Storage Tank	Order Type Enf. Coordinator	Philip DeFrancesco	
Multi-Media			EnforcementTeam 6	
Admin. Penalty \$ L	imit Minimum \$0 Maximum	\$10,000		
	Penalty Calcula	ation Section		
TOTAL BASE PENAL	TY (Sum of violation base penalti	CONTRACTOR	Subtotal 1	\$5,000
ADJUSTMENTS (+/-) Subtotals 2-7 are obtain	IO SUBTOTAL 1 ed by multiplying the Total Base Penalty (Subtotal 1) b	by the indicated percentage.		
Compliance Histo			otals 2, 3, & 7	\$0
Notes	No adjustment due to comp	liance history.		
L		**************************************	1	***************************************
Culpability	No 0%	6 Enhancement	Subtotal 4	\$0
Notes	The Respondent does not meet the	ne culpability criteria.		
L			0.444.16	\$500
Good Faith Effort	to Comply 10% Before NOV NOV to EDPRP/Settlement Offer		Subtotal 5	\$500
Extraordinary		•		
Ordinary N/A	(mark with x)			
	The Respondent came into compliance	o on Sontombor 5, 2007		
Notes		e on September o, 2007.		
	0%	∕₀ Enhancement*	Subtotal 6	\$0
Approx. (Total EB Amounts \$53 *Cappe Cost of Compliance \$7,100	ed at the Total EB \$ Amount		
111				
SUM OF SUBTOTAL	5 1-7		Final Subtotal	\$4,500
OTHER FACTORS AS	S JUSTICE MAY REQUIRE		Adjustment	\$0
Reduces or enhances the Final S	ubtotal by the indicated percentage. (Enter number or	nly; e.g30 for -30%.)		
Notes				
				¢4 E00
		Final Pe	enalty Amount	\$4,500
STATUTORY LIMIT A	DJUSTMENT	Final Ass	essed Penalty	\$4,500
DEFERRAL		20% Reduction	Adjustment	-\$900
	alty by the indicted percentage. (Enter number only; o		**************************************	
Notes	Deferral offered for expedi	ted settlement		
140/02	Bolotta, Gliorea 15, expedi		- -	

\$3,600

	Compliance History Worksheet y Site Enhancement (Subtotal 2)		
Component		Inter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	o'	0%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	Ö	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	. 0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0.65	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
	Pleas	se Enter Yes or No	·
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
O 1.110.	Participation in a voluntary pollution reduction program	No	0%
presignation of	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	" No	0%
	Adjustment Po	ercentage (Sເ	ıbtotal 2)
t Violator (Su	ibtotal 3)		
No	Adjustment Po	ercentage (Su	ıbtotal 3)
iance History	y Person Classification (Subtotal 7)		
Average P	erformer Adjustment Po	ercentage (Su	ubtotal 7)
	<u> </u>	or ocritugo (Ot	meotar 1)

Screening Date	CCC	Docket N	lo. 2007-1535-PST-E		PCW
	Z Q Inc. dba Max Mart			Policy Revision 2 (Septen	
Case ID No. Reg. Ent. Reference No.				PCW Revision Ma	y 25, 2007
	Petroleum Storage Tank				
Enf. Coordinator					
Violation Number	r 1	***			
Rule Cite(s)	30 Tex. Admin. Cod	de § 334.50(a)(1)(A) and ∃	ex. Water Code § 26.3475(c	s)(1)	one of the second
Violation Description			pable of detecting a release ned regulated substances.	from any	
			Base	Penalty	\$10,000
>> Environmental, Property	Harm				
OR Actua Potentia			Percent 25%		
>>Programmatic Matrix					
Falsification	n Major Moderate	e Minor	Percent 0%		
· [02]				283843888	sianosa
	hich would exceed levels		numan health or the environr an health or environmental r		
			Adjustment	\$7,500	
***************************************				4.00	\$2,500
Violation Events		The control of the co			
Number of V	iolation Events 1	54	Number of violation day	rs ·	-
	daily				
mark only one with an x			Violation Base	e Penalty	\$2,500
	semiannual annual single event				
One quart		ed based on documentation to the September 2, 2007	n of the violation during the .7 compliance date.	July 10,	
Economic Benefit (EB) for t	his violation		Statutory Limit Tes	st	
Estimate	ed EB Amount	\$48	Violation Final Pena	alty Total	\$2,250
		This violation Final As	sessed Penalty (adjusted f	or limits)	\$2,250

Violation No	. 4	rage Tank		Sec.	Mark Mark Company	Percent Interest	Years of Depreciation
) <u>.</u> 1					5.0	Depreciation 1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
ltem Descriptio	n No commas or \$,,,,		0.100,1110	,,
Delayed Cost	S						
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	* \$0
Land				0,0	\$0	n/a	\$0
Record Keeping System				0,0	\$0	n/a	\$0
Training/Sampling				0,0	\$0	n/a	\$0
Remediation/Disposal				0,0	\$0	n/a	\$0
Permit Costs				0,0	\$0	n/a	\$0
Other (as needed)	\$6,500	10-Jul-2007	2-Sep-2007.	0.1	\$48	n/a	\$48
	The actual c	oost as nor receint si	ibmitted by the Re	senandan	ut for installation o	of release detection :	method for the
Notes for DELAYED costs Avoided Cost	Us	cost as per receipt su T. The date required NUALIZE [1] avoide	d is the investigati	on date a	and the final date	is the date of compli	ance
	Us	T. The date required	d is the investigati	on date a	and the final date tem (except for \$0	is the date of complione-time avoided constitution is the second of the	osts) \$0
Avoided Gost Disposal Personnel	Us	T. The date required	d is the investigati	ntering I	tem (except for \$0 \$0	one-time avoided c	osts) \$0 \$0
Avoided Cost Disposal Personnel Inspection/Reporting/Sampling	Us	T. The date required	d is the investigati	ntering 0.0 0.0 0.0	ind the final date tem (except for \$0 \$0 \$0 \$0	is the date of compil one-time avoided of \$0 \$0 \$0 \$0 \$0	**************************************
Avoided Cost Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	Us	T. The date required	d is the investigati	ntering I	tem (except for \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0
Avoided Cost Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Us	T. The date required	d is the investigati	ntering I 0.0 0.0 0.0 0.0 0.0 0.0	tem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Cost Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Us	T. The date required	d is the investigati	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	tem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	is the date of compliance of c	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$
Avoided Cost Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Us	T. The date required	d is the investigati	ntering I 0.0 0.0 0.0 0.0 0.0 0.0	tem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Cost Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Us	T. The date required	d is the investigati	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	tem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	is the date of compliance of c	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Respondent Z Q Inc. dba Marx Mart Parks Presence 2009 PCVP Previous May 28, 2007 Reg. Ent. Reference No. RN 10248976 Modia Statute Perceloum Storage Tank Ent. Coordinator Philip DeFrancesco Violation Number 2	Screening Date	·	Docket	No. 2007-1535-PST-E	PCW
Reg. Ent. Reference No. RN102489876 Media [Statute] Petroleum Storage Tank Enf. Coordinator Philip DeFrancesco Violation Number 2 Rule Cite(s) 30 Tex. Admin. Code § 334.10(b) Violation Description Failed to have the required UST records mainfained, readily accessible, and make them available for the inspection upon request by agency personnel. Base Penalty 510.000 >> Environmental, Property and Human Health Matrix Harm Release Major Moderate Minor Actual Potential Percent 0% >> Programmatic Matrix Fabilication Major Moderate Minor Fabilication Major Moderate Minor Percent 10% Matrix Notes 100% of the rule requirement was not met. \$1,000 Violation: Events Number of Violation Events 1		5		Poli	
Media [Statute] Petroleum Storage Tank		ā.			PCW Revision May 25, 2007
Programmatic Matrix Potentia					Report Control
Violation Number 2 30 Tex. Admin. Code § 334.10(b)					
Violation Description Failed to have the required UST records maintained, readily accessible, and make them available for the inspection upon request by agency personnel. Base Penalty \$10,000 >> Environmental, Property and Human Health Matrix Release Major Moderate Minor Actual Potential Percent 0% >> Programmatic Matrix Notes 100% of the rule requirement was not met. Adjustment \$9,000					
Sase Penalty S10,000	Rule Cite(s)		30 Tex. Admin. Code §	§ 334.10(b)	
Sase Penalty S10,000					www.
>> Environmental, Property and Human Health Matrix Release	Violation Description		r the inspection upon requ	uest by agency personnel.	em em ex-
Release Major Moderate Minor Actua Potential Percent 0%				Base Pena	alty \$10,000
Release Major Moderate Minor Actua Percent 0% >>Programmatic Matrix Falsification Major Moderate Minor	>> Environmental, Property a	and Human Health M	atrix	Carlonal Control	
Percent O%	Palaasa		Minor		
>>Programmatic Matrix Falsification Major Moderate Minor			· WINO		
Falsification Major Moderate Minor Matrix Notes	Potential		Settle-se	Percent 0%	-
Matrix Notes Number of Violation Events 100% of the rule requirement was not met.	>>Programmatic Matrix		posterio de la companio del companio de la companio del companio de la companio della companio de la companio della companio d		
Matrix Notes Matrix Notes	Falsification	7	Minor	Doroont 100/	
Matrix Notes 100% of the rule requirement was not met.	(in the first step) (in th) ×		Percent 10%	
Violation Events Number of Violation Events	III A UTT N SUBAL :	100% of		1049042030	
Violation Events Number of Violation Events				Adjustment \$9,	000
Number of Violation Events Number of Violation Events 1					\$1,000
Mark only one with an x Maily Monthly Monthly	Violation Events				1,009H144
mark only one with an x Mark only one with an x Mark only one with an x Semiannual annual annual single event X One single event X One single event is recommended based on documentation of the violation during the July 10, 2007 investigation. Economic Benefit (EB) for this violation Statutory Limit Test	Number of Vi	olation Events 1	69	Number of violation days	***************************************
mark only one with an x Mark only one with an x Mark only one with an x Semiannual annual annual single event X One single event X One single event is recommended based on documentation of the violation during the July 10, 2007 investigation. Economic Benefit (EB) for this violation Statutory Limit Test		daily			
With an x Semiannual annual single event x One single event is recommended based on documentation of the violation during the July 10, 2007 investigation. Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$4 Violation Final Penalty Total \$900		monthly			
One single event x One single event is recommended based on documentation of the violation during the July 10, 2007 investigation. Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$4 Violation Final Penalty Total \$900				Violation Base Pen	alty \$1,000
One single event is recommended based on documentation of the violation during the July 10, 2007 investigation. Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$4 Violation Final Penalty Total \$900					***************************************
Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$4 Violation Final Penalty Total \$900		single event x			700-000-000-000-000-000-000-000-000-000
Estimated EB Amount \$4 Violation Final Penalty Total \$900	One single	event is recommended ba		f the violation during the July 10, 20	07
	Economic Benefit (EB) for th	nis violation		Statutory Limit Test	
This violation Final Assessed Penalty (adjusted for limits) \$900	Estimate	ed EB Amount	\$4	Violation Final Penalty T	otal \$900
			This violation Final A	ssessed Penalty (adjusted for lim	sits) \$900
			This violation Final A	ssessed Penalty (adjusted for lim	its) \$900

Case ID No.	Z Q Inc. dba Ma 34717	conomic E ax Mart	senem v	orks	neet		
Reg. Ent. Reference No. Media Violation No.	Petroleum Stor	age Tank		5.	ere i transi i transi I transi i t	Percent Interest	Years of Depreciation
						5.0	15
ltem Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs		1		7 AA T	#O	I 60 I	eΩ
Equipment Buildings				0,0	\$0 \$0	\$0 \$0	\$0 1 apr \$0 kg
Other (as needed)	99999944			0.0	\$0 \$0	\$0	\$0 \(\sigma\) \$0
Engineering/construction	777			0.0	\$0 \$0	\$0	\$0 \$0
Land				0,0	\$0 \$0	n/a	\$0 \$0
Record Keeping System	\$500	10-Jul-2007	5-Sep-2007	0.2	\$4	n/a	\$4
Training/Sampling	ΨΟΟΟ	10-001-2007	0-06p-2007	0.2	\$0	n/a	\$0
Remediation/Disposal				1 6.6	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0 \$0
Other (as needed)				0.0	\$0 \$0	n/a	\$0
Notes for DELAYED costs	Estimated cos	t to maintain UST re		required i complian		n date and the final	date is the date
	ANN	LIALIZE I11 avoide	d costs before e	anterina i	tem (except for	one-time avoided c	osts)
Avoided Costs		had Michigal and San Bridge and San					
Avoided Costs Disposal				0,0	\$0	\$0	\$0
Disposal Personnel				0,0	\$0 \$0	\$0	\$0 \$0
Disposal Personnel Inspection/Reporting/Sampling				0,0	\$0 \$0 \$0	\$0 \$0	\$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment				0.0	\$0 \$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	1.130pt (1.15)			0,0 0,0 0,0 0,0 0,0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment				0.0 0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]				0,0 0,0 0,0 0,0 0,0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avolded costs [3]				0.0 0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening Date		Docket N	No. 2007-1535-PST-E	PCW
	Z Q Inc. dba Max Mart			Policy Revision 2 (September 2002)
Case ID No.				PCW Revision May 25, 2007
Reg. Ent. Reference No.	Petroleum Storage Tank			
Enf. Coordinator				
Violation Number	3			
Rule Cite(s)	30 Tex. /	Admin, Code §§ 334.7(d)(3) and 334.8(c)(4)(B)	
Violation Description	within 30 days from the registration was not upo Also, failed to ensure the accurately completed an	date of occurrence of the dated to reflect the accura hat the UST registration a	ditional information regarding change or addition. Specificate information for release detend self-certification form is fuly in a timely manner. Specificatly completed.	illy, the ection. ly and
			Base	Penalty \$10,000
>> Environmental, Property a		atrix		
Release	Harm Major Moderate	Minor		
OR Actual Potential			Percent 0%	
>>Programmatic Matrix				***************************************
Falsification	Major Moderate	Minor	Damant 400/	***************************************
<u>5.3566.0.532.003</u>	X		Percent 10%	
Matrix Notes	100% of	the rule requirement was r	not met.	
			Adjustment	\$9,000
				\$1,000
Violation Events				Approximation of the contract
Number of Vi	olation Events 1	57	Number of violation days	5
mark only one with an x	daily monthly quarterly semiannual annual single event x		Violation Base	Penalty \$1,000
One single	event is recommended ba	sed on documentation of investigation.	the violation during the July 1	0, 2007
Economic Benefit (EB) for the	nis violation		Statutory Limit Tes	t.
Estimate	ed EB Amount	\$1	Violation Final Pena	lity Total \$900
		This violation Final As	ssessed Penalty (adjusted fo	or limits) \$900

	Ε	conomic I	3enefit W	/orksl	heet		
Respondent 2	Z Q Inc. dba M	ax Mart		•			
Case ID No.:	34717					· 医二甲基甲酰糖	o.
Reg. Ent. Reference No. I	RN102485976				41 (1)	<u> </u>	
Media I	Petroleum Stor	age Tank			13 10 11 11	Percent Interest	Years of
Violation No.	3				20,000	r ercent interest	Depreciation
						5.0	15
100	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
				· · · · · · · · · · · · · · · · · · ·			
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Bulldings				0,0	\$0	\$0	\$0.∀
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0:0	\$0	\$0	\$0
Land				0,0	\$0	n/a	\$0
Record Keeping System				0,0	\$0	n/a	\$0
Training/Sampling				0,0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	4400	40 1 1 0007	F.O. 0007	0.0	\$0	n/a	\$0
Other (as needed)	\$100	10-Jul-2007	5-Sep-2007	0.2	\$1	n/a	\$1
Notes for DELAYED costs	46	di	ate and the final o	late is the	date of complian	Simbour, test	
Avoided Costs	ANN	IUALIZE [1] avoide	d costs before e	entering it		one-time avoided c	osts)
Disposal				0,0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment	0.000	261,000,000		0.0	\$0	* \$0	\$0
Financial Assurance [2]		300,000,000,000,000		0,0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	Signification construction and the			0.0	\$0	\$0	\$0
Other (as needed)		<u> </u>		0,0	\$0	\$0	\$0
Notes for AVOIDED costs	k sek sa						
Approx. Cost of Compliance		\$100			TOTAL		\$1

Screening Date		Docket	No. 2007-1535-PST-E	PCW
	Z Q Inc. dba Max Mart			Policy Revision 2 (September 2002)
Case ID No.				PCW Revision May 25, 2007
Reg. Ent. Reference No.	Petroleum Storage Tank			***************************************
Enf. Coordinator				www
Violation Number	4			
Rule Cite(s)	30 Tex. Admin. Co	de & 334.8(c)(5)(A)(i) and	Tex. Water Code § 26.3467(a	<u> </u>
Violation Description	Failed to make available before accepting deliver	e to a common carrier a v	ralid current TCEQ delivery cert e into the USTs. Specifically, or	ificate
			Base F	Penalty \$10,000
>> Environmental, Property a		atrix		
Release	Harm Major Moderate	Minor		
OR Actual				
Potential		X	Percent 5%	
SS Parameter as of in Matrix				
>>Programmatic Matrix Falsification	Major Moderate	Minor		
100 TO 100 T			Percent 0%	
			•	
			significant amounts of pollutants environmental receptors as a re	
			Adjustment	\$9,500
				\$500
-				, ~~@#e-a
Violation Events				
Number of Vic	lation Events 1		Number of violation days	
	, and 1 = 10.110			
	daily			
mark only one with an x	monthly quarterly semiannual annual single event x		Violation Base	Penalty \$500
		2 2 3 3 2 3 2 3 2 3 3 3 3 3 3 3 3 3 3 3		2002
One single	event is recommended ba	investigation.	the violation during the July 10	, 2007
Economic Benefit (EB) for th	is violation		Statutory Limit Test	
Estimate	d EB Amount	\$0	Violation Final Penal	ty Total \$450
		This violation Final A	ssessed Penalty (adjusted for	r limits) \$450
		rms violation Fillal A	occooca i onany (aujusted 101	Ψ-130

	E	conomic E	3enefit W	orks	heet		
Respondent	Z Q Inc. dba Ma	x Mart		OT A STATE OF THE			
Case ID No	34717					and the second	
Reg. Ent. Reference No	RN102485976				7 0 435	and a self-self-self-self-self-self-self-self-	agh shasing
	Petroleum Stora	ige Tank			anger of Arreston		Years of
Violation No	. 4	•				Percent Interest	Depreciation
						5,0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Agrana ann an air an Airm ann an Airm	EB Amount
V 5		Date Nequired	i iliai Date	115	mieresi Saveu	Onetime Gosts	ED AMOUNT
Item Description	1 No commas or \$						
					Tab. 2.1	· ·	
Delayed Costs				d			
Equipment			<u> </u>	0.0	\$0	\$0	\$0
Buildings	9. 4. 4. 4. 4. 4. 4. 4. 4. 4. 4. 4. 4. 4.		20, 20, 50, 50, 60,	0.0	\$0 \$0	\$0	\$0.52
Other (as needed) Engineering/construction				0.0	\$0	\$0 \$0	\$0 ° \$0
Land			<u> </u>	0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal	33			0.0	\$0	n/a	\$0
Permit Costs				0,0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs			Economic bene	efit incluc	led in violation 3.	la de la companya de La companya de la co	
	222200000000000000000000000000000000000						
Avoided Costs	ANN	UALIZE [1] avoide	d costs before e			one-time avoided o	
Disposal	ANN	UALIZE [1] avoide	d costs before e	0,0	\$0	one-time avoided o	\$0
Disposal Personnel	ANN	UALIZE [1] avoide		0,0	\$0 \$0	one-time avoided o	\$0 \$0
Disposal Personnel Inspection/Reporting/Sampling	\$ ANN	UALIZE [1] avoide	d costs before e	0,0	\$0 \$0 \$0	one-time avoided o \$0 \$0 \$0	\$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	ANN Section 1 to 1	UALIZE [1] avoide		0,0 0,0 0,0 0,0	\$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANN	UALIZE [1] avoide		0,0 0.0 0.0 0.0 0,0	\$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avolded costs [3]	\$ ANN	UALIZE [1] avoide		0,0 0,0 0,0 0,0 0,0 0,0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	\$ ANN	UALIZE [1] avoide		0,0 0.0 0.0 0.0 0,0	\$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avolded costs [3]	S ANN	UALIZE [1] avoide		0,0 0,0 0,0 0,0 0,0 0,0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avolded costs [3]	S ANN	UALIZE [1] avoide		0,0 0,0 0,0 0,0 0,0 0,0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	S ANN	UALIZE [1] avoide		0,0 0,0 0,0 0,0 0,0 0,0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	ANN Property of the second se	UALIZE [1] avoide		0,0 0,0 0,0 0,0 0,0 0,0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	ANN STATE OF THE PROPERTY OF	UALIZE [1] avoide		0,0 0,0 0,0 0,0 0,0 0,0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Compliance History

Customer	/Respondent/Owner-Operator:	CN602733487	Z Q Inc.		Classification: Average	Rating: 3.01
Regulated	d Entity:	RN102485976	MAX MART		Classification: Average by Default	Site Rating: 3.0
ID Numbe	er(s):	PETROLEUM S' REGISTRATION		REGISTR/	ATION	7097
Location:		4712 SAN PEDRO AVE, SAN ANTONIO, TX, 78212		Rating Date: 9/1/2007 Repeat Violator: NO		
TCEQ Re	gion:	REGION 13 - SA	N ANTONIO			
Date Compliance History Prepared:		September 20, 20	007			
Agency Decision Requiring Compliance History:		Enforcement				
Compliance Period:		September 20, 2	007 to September 20, 2007			
TCEQ Sta	aff Member to Contact for Additional Info	rmation Regarding	this Compliance History			
Name:	Philip DeFrancesco	Pr	one: (817) 588-593	3		
		Site C	compliance History Co	mponents		
1. Has the	e site been in existence and/or operation	n for the full five yea	r compliance period?	Yes		
	ere been a (known) change in ownership	o of the site during the	ne compliance period?	No		
	who is the current owner?			N/A		-
4. if Yes,	who was/were the prior owner(s)?			N/A	· · · · · · · · · · · · · · · · · · ·	_
5. When	did the change(s) in ownership occur?			N/A		_
Compo	nents (Multimedia) for the Site :				·	
Α.	Final Enforcement Orders, court judge	ments, and consent	decrees of the state of Tex	as and the feder	al government.	
	N/A					
В.	Any criminal convictions of the state of	f Texas and the fede	eral government.			
	N/A					
C.	Chronic excessive emissions events.					a e e so
	N/A					Schooling Co. S. F.
D.	The approval dates of investigations. ((CCEDS Inv. Track.	No.)			
	N/A					
E.	Written notices of violations (NOV). (C	CEDS Inv. Track. N	lo.)			
F.	Environmental audits.					
• •	N/A					
G.	Type of environmental management s	ystems (EMSs).			•	
	N/A					
H.	Voluntary on-site compliance assessm	nent dates.				
	N/A					
I.	Participation in a voluntary pollution re	eduction program.				
	N/A					
J.	Early compliance.					
	N/A				•	
Sites Ou	itside of Texas					
	N/A					

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§ 1	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
Z Q INC. DBA MAX MART	§	
RN102485976	§ J	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2007-1535-PST-E

I. JURISDICTION AND STIPULATIONS

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Z Q Inc. dba Max Mart ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

- 1. The Respondent owns and operates a convenience store with retail sales of gasoline at 4712 San Pedro Avenue in San Antonio, Bexar County, Texas (the "Facility").
- 2. The Respondent's one underground storage tank ("UST") is not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission.
- 3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about September 9, 2007.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Four Thousand Five Hundred Dollars (\$4,500) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Hundred Dollars (\$100) of the administrative penalty and Nine Hundred Dollars (\$900) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Three Thousand Five Hundred Dollars (\$3,500) of the administrative penalty shall be payable in 35 monthly payments of One Hundred Dollars (\$100) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. Successfully installed and implemented a release detection method on September 2, 2007;
 - b. Submitted an updated TCEQ UST registration and self-certification Form to the agency and obtained a delivery certificate on September 5, 2007; and
 - c. Submitted documentation to show the required UST documents are being maintained on-site on September 5, 2007.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

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12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

- 1. Failed to provide a method of release detection capable of detecting a release from any portion of the UST system which contained regulated substances, in violation of 30 Tex. ADMIN. CODE § 334.50(a)(1)(A) and Tex. WATER CODE § 26.3475(c)(1), as documented during an investigation conducted on July 10, 2007.
- 2. Failed to have the required UST records maintained, readily accessible, and make them available for the inspection upon request by agency personnel, in violation of 30 Tex. ADMIN. CODE § 334.10(b), as documented during an investigation conducted on July 10, 2007.
- 3. Failed to notify the agency of any change or additional information regarding USTs within 30 days from the date of the occurrence of the change or addition, as applicable, in violation of 30 Tex. Admin. Code § 334.7(d)(3) as documented during an investigation conducted on July 10, 2007. Specifically, the registration was not updated to reflect the accurate information for release detection.
- 4. Failed to ensure that the UST registration and self-certification form is fully and accurately completed and submitted to the agency in a timely manner, in violation of 30 Tex. ADMIN. CODE § 334.8(c)(4)(B) as documented during an investigation conducted on July 10, 2007. Specifically, the self-certification was incorrectly completed.
- 5. Failed to make available to a common carrier a valid current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs, in violation of 30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(i) and TEX. WATER CODE § 26.3467(a). Specifically, one fuel delivery was accepted without a delivery certificate.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

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IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Z Q Inc. dba Max Mart, Docket No. 2007-1535-PST-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 3. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 5. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

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Z Q Inc. dba Max Mart DOCKET NO. 2007-1535-PST-E Page 5

7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

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Z Q Inc. dba Max Mart DOCKET NO. 2007-1535-PST-E Page 6

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
John Sillin	3/5/2008
For the Executive Director	Dare

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

A negative impact on compliance history;

Greater scrutiny of any permit applications submitted;

Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency,

Increased penalties in any future enforcement actions;

Automatic referral to the Attorney General's Office of any future enforcement actions; and

TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Date

Procident

NADIR ALL

Name (Printed or typed)

Authorized Representative of

Z Q Inc. dba Max Mart

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.